Remarks

Claims 1-21 are pending in the application.

Claim 6 has been amended to further clarify the invention. No new matter has been added.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugaczewski et al. (Patent 6,903,755, hereinafter "Pugaczewski").

Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dev et al. (Patent 5,559,955, hereinafter "Dev").

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugaczewski in view of Mayo et al. (Patent 5,751,965, hereinafter "Mayo").

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli et al. (Patent 5,831,610, hereinafter "Tonelli").

Claims 12, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, and further in view of Mayo.

Claims 14-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, in view of Mayo, and further in view of Galou et al. (Patent 6,957,263, hereinafter "Galou").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR § 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

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Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

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Rejection Under 35 U.S.C. 102

Claims 1-3 and 5

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Pugaczewski. The rejection is traversed.

Independent claim 1 recites, in part:

"graphically representing the status of cross-connection links within said network elements as an icon displayed on each of said linked network element objects; wherein said network element objects and bridge objects may be manipulated by a user to form a graphical representation of the circuit being provisioned." (emphasis added)

The Office Action cited Pugaczewski's col. 20, lines 5-67 and col. 22, lines 8-25 as teaching the above features of claim 1. Applicants disagree.

As will be shown below, as taught by Pugaczewski, the manner in which a user provisions a connection service is very different from that of Applicants' claim 1, and neither cited portions teaches the above features of claim 1.

Pugaczewski teaches "a network management system and graphical user interface for configuring a network connection between first and second surface access points using a configuration manager and information manager to provide a generic set of models so that different manufacturers' nodal processors and other network hardware can be inserted into the network with minimal changes to the software which controls the device." (Abstract)

In Pugaczewski, "[t]he system user that is provisioning the service only needs to provide first and second service access points (SAPs)" (col.19, 60-62). A graphical interface gives the user an option to initiate a connection build, which is done by the user pressing a green light 546 of the provision tab (col.20, lines 9-16, and Fig. 23), which then brings up a view of the network management layer (NML) such as that of Fig. 25. Live feedback is given to the user as the service is being provisioned, for example, by various icons (col.20, lines 21-40). Furthermore, by clicking on any image in the NML of Fig. 26, another window is opened to show the exact provisioning information. In another embodiment, the user is directed to select a connection bandwidth for the virtual circuit and a time duration for the selected bandwidth (col. 4, lines 40-65).

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In other words, the user in Pugaczewski selects two end points, a connection bandwidth and a time duration for the connection, pushes a green light button to initiate the connection build, and brings up a graphical display that provides live feedback to the user as the service is being provisioned.

However, there is no teaching that the user can manipulate images such as network element objects and bridge objects to form a graphical representation of the circuit being provisioned, as provided in Applicants' claim 1.

Regarding the selection of the two end points, Pugaczewski teaches that the user, as directed by the graphic display, selects end point A at blanks 540 and end point Z at blanks 542 (Fig. 23 and col. 19, lines 59-67). Other options of selecting the end points include menu driven options.

As clearly shown in Fig. 23, there is nothing on the provision screen that would correspond to network element objects and bridge objects that the user can manipulate to form a graphical representation of the circuit being provisioned.

Although the network in Fig. 26 shows various elements such as crossconnects and physical links, there is also no teaching in the corresponding sections (col. 20, lines 41-59) that the user can manipulate any of the images representing the crossconnects or physical links to form a graphical representation of a circuit being provisioned. Instead, what the user can do is to expand on any of the images to show the exact provisioning information, as displayed in Fig. 27.

Another portion cited in the Office Action, col. 22, lines 8-23, teaches that a customer can move their connections around, i.e., to be connected to one ISP one day, and a different ISP on a different day, without going through the customer service center. However, there is also no teaching that such a provisioning procedure involves the user manipulating any network element objects and bridge objects to form a graphical representation of the circuit.

As taught by Pugaczewski, the graphical display allows the system user to manage and configure information of the network in a convenient manner (col. 4, lines 31-34).

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However, there is no teaching in Pugaczewski relating to the user's manipulating network element objects or bridge objects to form a graphical representation of the circuit being provisioned, as provided in Applicants' claim 1.

As such, independent claim 1 is allowable over Pugaczewski under 35 U.S.C. 102(b).

Since dependent claims 2-3 and 5 depend from independent claim 1 and include all the limitations of claim 1, each such dependent claim is also allowable over Pugaczewski under 35 U.S.C. 102(b) for the same reasons set forth above.

Accordingly, claims 1-3 and 5 are patentable under 35 U.S.C. 102(b) over Pugaczewski. Therefore, the rejection should be withdrawn.

Claims 6-9

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dev. The rejection is traversed.

In rejecting claim 6, the Office Action cited various icons in Dev's Figs. 8A-B and related discussions as being analogous to Applicants' network element objects and bridge objects, and further relied on Dev's col. 5, lines 29-31 as disclosing "provisioning a circuit board" (page 4, Office Action).

In the Response to Applicants' Arguments (page. 16-17, Office Action), col. 13, lines 31-60, col. 15, lines 27-36 and col. 16, lines 24-45 were cited as teaching icon managers and view of new network elements to the network system. The Office Action then stated that "[i]f an icon manager is assigned to the view of a network of elements then the teachings support the notion that a user can select an icon to be used in a circuit because the user is creating the new views" (page 17, Office Action: Response to Applicants' Argument of claim 6).

Applicants respectfully disagree that Dev's teaching of creating a new view of network elements would correspond to selecting an icon for use in a circuit, as provided in Applicants' original claim 6.

Nonetheless, Applicants have amended claim 6 to further clarify that the selected network object is selected for use in provisioning a circuit. No new matter has been

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added. This amendment is fully supported by the original specification as filed, including, for example, p.10, line 30 to p.11, line 16. Thus, no new matter has been added.

Applicants further submit that Dev does not teach or suggest Applicants' claim 6 for the following reasons.

In Dev, the icons or models are provided as part of a network management system that includes a user interface, a virtual network and a device communication manager (e.g., Abstract). User displays are provided to allow for different views of the network configuration, with network devices being represented by multifunction icons that permit the user to select additional displays showing detailed information regarding different aspects of the corresponding network device (see Abstract).

Throughout the many cited sections of Dev, it is clear that the icons are only used to present information to the user, as opposed to being selected for use in provisioning a circuit, as in Applicants' invention.

This interpretation finds further support elsewhere in Dev, for example:

"A user interface object such as an icon manager or a view manager may communicate with a model, model type or model relation in the virtual network machine in order to retrieve attribute data." (col. 14, lines 41-44, emphasis added); and

"The multifunction icons used in the network management system provide a highly flexible technique for presenting information to the user." (col. 14, lines 49-51, emphasis added).

Applicants submit that Dev's teaching of network devices and their representations as icons in the various display views should be interpreted in the context of Dev's invention as a whole. Specifically, Dev teaches a method and apparatus for monitoring the operational status of a network, and providing such information to a user (e.g., Dev's Title; Abstract; col. 14, lines 41-44; col. 14, lines 49-5).

Furthermore, Dev teaches that the network management system performs two major operations: "[i]t services user requests entered by the user at user interface 10 and provides network information such as alarms and events to user interface 10. In addition, the virtual network machine 12 polls the network to obtain information for updating the network models as described hereinafter" (col. 5, lines 12-19), and the information is then "processed so that the operational status, faults and other information pertaining to the

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network are presented to the user in a systematized and organized manner" (col. 5, lines 22-25).

As such, Dev's icons are used solely for the purpose of system monitoring and providing information to the user. As one skilled in the art would understand, providing information or presenting a view of a circuit is not "provisioning a circuit".

Thus, Applicants submit that there is no teaching in Dev regarding selecting any icons for use in provisioning a circuit in response to a user selection, as provided in Applicants' amended claim 6. Thus, independent claim 6 is allowable over Dev under 35 U.S.C. 102(b).

Since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Dev under 35 U.S.C. 102(b).

Accordingly, claims 1-3 and 5-9 are patentable under 35 U.S.C. 102(b) over Dev. Therefore, the rejection should be withdrawn.

Rejection Under 35 U.S.C. 103(a)

Claim 4

Claim 4 is rejected as being unpatentable over Pugaczewski in view of Mayo et al. (Patent 5,751,965, hereinafter "Mayo"). The rejection is traversed.

This ground of rejection applies only to a dependent claim, which depends from claim 1, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Pugaczewski. Since the rejection of claim 1 under 35 U.S.C. 102 given Pugaczewski has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Mayo supplies that which is missing from Pugaczewski to render claim 1 anticipated, this ground of rejection cannot be maintained.

Thus, without conceding whether the combination of Pugaczewski with Mayo or the Office Action's interpretation of Mayo's teaching is proper, Applicants submit that, for at least the same reason set forth above in connection with claim 1, claim 4 is patentable under 35 U.S.C. 103(a) over Pugaczewski in view of Mayo. Therefore, the rejection should be withdrawn.

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Claims 10 and 11

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli. The rejection is traversed.

This ground of rejection applies only to dependent claims 10-11, which depend indirectly from claim 6, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Dev. Since the rejection of claim 6 under 35 U.S.C. 102 given Dev has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Tonelli supplies that which is missing from Dev to render the independent claim 6 anticipated, this ground of rejection cannot be maintained.

Thus, without conceding whether the combination of Dev with Tonelli or the Office Action's interpretation of Tonelli's teaching is proper, Applicants submit that, for at least the same reasons set forth above in connection with claim 6, claims 10-11 are patentable under 35 U.S.C. 103(a) over Dev in view of Tonelli. Therefore, the rejection should be withdrawn.

Claims 12-13 and 18-19

Claims 12-13 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, and further in view of Mayo. The rejection is traversed.

This ground of rejection applies only to dependent claims, which depend indirectly from claim 6, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Dev. Since the rejection of claim 6 under 35 U.S.C. 102 given Dev has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Tonelli and Mayo supply that which is missing from Dev to render the independent claim 6 anticipated, this ground of rejection cannot be maintained.

Thus, without conceding whether the combination of Dev with Tonelli and Mayo or the Office Action's interpretation of the teachings of Tonelli and Mayo is proper, Applicants submit that, for at least the same reasons set forth above in connection with claim 6, claims 12-13 and 18-19 are patentable under 35 U.S.C. 103(a) over Dev in view of Tonelli, and further in view of Mayo. Therefore, the rejection should be withdrawn.

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Claims 14-17 and 20-21

Claims 14-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Tonelli, in view of Mayo, and further in view of Galou. The rejection is traversed.

This ground of rejection applies only to dependent claims, which depend indirectly from claim 6, and is predicated on the validity of the rejection of claim 6 under 35 U.S.C. 102 given Dev. Since the rejection of claim 6 under 35 U.S.C. 102 given Dev has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Tonelli, Mayo and Galou supply that which is missing from Dev to render the independent claim 6 anticipated, this ground of rejection cannot be maintained.

Thus, without conceding whether the combination of Dev with Tonelli, Mayo and Galou or the Office Action's interpretation of the teachings of Tonelli, Mayo and Galou is proper, Applicants submit that, for at least the same reasons set forth above in connection with claim 6, claims 14-17 and 20-21 are patentable under 35 U.S.C. 103(a) over Dev in view of Tonelli, in view of Mayo, and further in view of Galou. Therefore, the rejection should be withdrawn.

Secondary References

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 7/30/07

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